

YORK COUNTY PLANNING COMMISSION

Regular Meeting
York Hall, 301 Main Street
July 10, 2002

MEMBERS

Andrew A. Simasek
Spencer W. Semmes
Robert D. Heavner
Nicholas F. Barba
Alfred E. Ptaszniak, Jr.
Michael H. Hendricks
Ann F. White

CALL TO ORDER

Mr. Michael Hendricks called the regular meeting to order at 7:00 p.m. The roll was called and the following members were present: Messrs. Heavner, Barba, Ptaszniak, Hendricks, and Ms. White. Messrs. Simasek and Semmes were absent. Staff members present were James E. Barnett, Jr., J. Mark Carter, Timothy C. Cross, and Amy M. Parker.

ELECTION OF CHAIR AND VICE CHAIR

County Attorney James Barnett opened the floor to nominations for Planning Commission Chair. Ms. White nominated Mr. Hendricks. There were no other nominations and the floor was closed to nominations. Mr. Barnett called for a voice vote and Mr. Hendricks was elected chair by unanimous roll call vote (5:0).

Chair Hendricks opened the floor to nominations for Vice Chair. Mr. Heavner nominated Mr. Simasek. Mr. Ptaszniak nominated Ms. White. There were no other nominations and Mr. Hendricks called for a show of hands on the nomination of Ms. White. Ms. White was elected 4:0 with one abstention.

APPROVAL OF MINUTES

Ms. White moved to adopt the minutes of the June 12, 2002 regular meeting and the motion carried unanimously (5:0).

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARING

?? **Application No. UP-601-02, Richmond 20MHz, LLC, d/b/a NTELOS:** Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 17, No. 7) of the York County Zoning Ordinance to authorize a 198-foot self-supporting communications tower

with associated ground-mounted equipment within a leased area located on a portion of the property of Seaford Baptist Church, located at 1311 Seaford Road

Mr. Carter indicated that the applicant had requested the Commission to continue the public hearing until August.

Chair Hendricks opened the public hearing. There being no one to speak and no Commission discussion, he called for a motion to continue the public hearing on the application until the next meeting. Mr. Ptasznik moved to continue Application UP-601-02, and the motion carried unanimously.

NEW BUSINESS

?? Sponsor Zoning and Subdivision Ordinance Text Amendments (PC02-23)

Mr. Carter requested Commission sponsorship of amendments to the Zoning and Subdivision Ordinances to bring them into compliance with recently adopted revisions to the Code of Virginia.

PC02-23

On motion of Mr. Barba, which carried 5:0, the following resolution was adopted:

A RESOLUTION TO SPONSOR APPLICATIONS TO AMEND THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) AND THE YORK SUBDIVISION ORDINANCE (CHAPTER 20.5) TO INCORPORATE CHANGES MADE NECESSARY BY RECENT AMENDMENTS TO THE CODE OF VIRGINIA

WHEREAS, by action of the 2002 General Assembly, certain sections of the Code of Virginia pertaining to zoning and subdivision regulations were amended and create a need to consider corresponding amendments to the York County Zoning Ordinance and the York County Subdivision Ordinance; and

WHEREAS, the Planning Commission has determined that public necessity and good zoning practice require that appropriate amendments be considered to incorporate these changes.

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 10th day of July, 2002 that it does hereby sponsor applications to amend Chapter 20.5, Subdivisions and Chapter 24.1, Zoning, of the York County Code to consider amendments to incorporate recent revisions to the following sections of the Code of Virginia:

?? Section 15.2-2260 – amendments to add a new subsection specifying a 5-year term of validity for preliminary subdivision plats, provided that the subdivider diligently pursues approval of the final subdivision plat. This supplements language previously set out in Section 15.2-2261 concerning the term of validity for recorded subdivision plats or final site plans (also set at 5 years). Ensuring consistency with this amendment and the provisions of Section 15.2-2261 will necessitate revisions in several sections of the Subdivision Ordinance (Sections 20.5-28, 29, 30, and 31) and the Zoning Ordinance (Section 24.1-505).

?? Section 15.2-2307 - amended to include language specifically allowing removal of a nonconforming manufactured home and its replacement with another comparable manufactured home with such replacement home retaining the valid nonconforming status. This amendment necessitates revisions in the non-conforming use regulations of the Zoning Ordinance (Section 24.1-802).

BE IT FURTHER RESOLVED that the staff be, and it is hereby, directed to develop, in consultation with the County Attorney, appropriate draft language to implement the necessary changes and to advertise the proposed amendments for consideration by the Commission at a public hearing in accordance with applicable procedures.

STAFF REPORTS

Mr. Cross reported on recent balloon tests in connection with the proposed 400-foot-tall communications tower at York High School. He said the balloons were barely visible above the trees when viewed from Surrender Road and were not visible from either Cook Road or Route 17 between Falcon Road and the Cook Road-Route 17 intersection.

Mr. Carter said the Commission's draft annual report for the period January 2001 through June 2002 has been distributed to the members and he requested that all comments be relayed to Mr. Tim Cross. He added that the report has heretofore covered calendar years but has been changed to fiscal year reporting; the next report will cover fiscal year 2003.

Mr. Carter said the staff has distributed its draft revisions for the Bylaws to the Commission for discussion and action.

Mr. Carter reported that the results of a zoning questionnaire in which the Commissioners participated are reported in the memo entitled "Zoning Ordinance Review," along with its attachment, and he noted that some revisions to the County Code might result. He recommended the members to direct any comments to him as soon as possible and he will report them to the Board of Supervisors. Mr. Hendricks encouraged the members to read the material and be prepared to discuss it with staff at the September meeting. Ms. White mentioned that work sessions have not been held on other matters the Commission has indicated it should review, such as accessory apartments. Mr. Carter said it is conceivable that future work sessions could result in formal applications for additional amendments at a later time.

COMMITTEE REPORTS

Ms. White reported that the Yorktown Historic District and Architectural Design Guidelines Review Committee has completed its work and presented its draft guidelines to the Planning Commission for review and recommendation. The revised draft is much shorter than the original and, in her opinion, more readable and more attractive. She stated that Mr. Simasek was a capable leader of the Committee, on which Mr. Heavner also served.

Mr. Heaver commended the citizen members for their time, diligence and valuable input. He said Mr. Carter had "kept the committee on course" and always managed to keep the vision in focus for the members. He said this was done for the citizens of Yorktown and he hoped the results are acceptable to them, and asked any citizens who wish to discuss the committee report to please call Mr. Carter or any member of the committee.

Mr. Carter recommended that the Commission take a month or two to study the draft guidelines, and then perhaps hold a work session prior to an informational meeting for the citizens of the village of Yorktown, and possibly another work session before placing it on the Commission agenda for public hearing. He added that loaner copies are available from the Planning Division and the entire document is on the web site.

Mr. Ptasznik commented that the document appears impressive.

FUTURE BUSINESS

Mr. Carter referred to applications to be placed on the agenda for August public hearings.

ADJOURNMENT

Chair Hendricks called adjournment at 7:35 PM.

SUBMITTED: _____/s/_____
Phyllis P. Liscum, Secretary

APPROVED: _____/s/_____
Michael H. Hendricks, Chair

DATE: August 14, 2002